

CHAPTER: XVII SANCTIONS	SECTION: 3 CHILD SUPPORT	COMAR: 07.03.03.15
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REQUIREMENTS

- A. Only an active case can be sanctioned
- If the caretaker relative in an active case does not comply with child support requirements, the case manager:
- Follows the conciliation process
 - Investigates whether good cause exists
 - Imposes a full-family sanction if there is no good cause
- B. The sanction is lifted when the caretaker relative provides proof/verification of cooperation with child support requirements
- C. If a case is closed for a month or more, due to a sanction for failure to comply with child support requirements, the family is treated the same as any new application for assistance
1. If the family is otherwise eligible, they must comply with the child support requirements before the sanction is lifted
 2. If the caretaker relative complies within the first non-payment month of the sanction:
 - Benefits cannot be paid until the sanction for non-compliance with child support requirements is lifted, and
 - A full benefit is paid for that month

Note: If an appointment were not available until January, household would receive full benefits for January, the compliance month, but none for December.

GOOD CAUSE

- A. Local child support enforcement units determine non-cooperation with child support requirements
1. If non-cooperation is determined, the child support worker notifies the TCA case manager
 2. The case manager investigates and determines if good cause exists
- B. When discussing the reasons for non-compliance with customers, the case manager must determine whether good cause exists

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1. The local department designs their own good cause investigation process but must ensure customers are given every opportunity to claim good cause for non-compliance whether or not it is during the conciliation period
2. Since complete and thorough documentation is an essential element in the conciliation process, the case manager must pay particular attention to recording the time lines and actions taken throughout the process
3. If the possibility is not investigated or the investigation results are not documented in the case record, the local department risks having a sanction overturned at an appeals fair hearing

Note: The custodial parent may claim good cause for non-cooperation at any time during the child support process.

C. Good cause for not complying with child support requirements includes:

1. The possibility of physical or mental harm to the caretaker or the child

Note: Customers who claim family violence are not required to provide written documentation of abuse to qualify for a good cause.

2. Conception as a result of incest/rape
3. The caretaker relative, aided by a public or licensed private social agency, is currently trying to decide whether to keep or relinquish the child for adoption and the discussions have lasted 3 months or less

D. Non-cooperation issues may be resolved without counting an instance of or imposing a sanction if:

1. Customers verify that good cause exists before a NOAA is sent, either during the conciliation period or any subsequent instance of non-cooperation
2. The customer can verify compliance prior to a NOAA being sent, then no instance of non-compliance is recorded

E. If the individual who failed to comply subsequently receives child support payments in excess of the amount of TCA benefits the household had been receiving, sanctions for non-cooperation with child support requirements are lifted and the penalty period ended despite the lack of technical compliance

FOOD STAMPS

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If the TCA case is closed because of a full-family child support sanction, food stamps are based on:

1. The TCA income (phantom income), and
2. Any other income still received by the household members that was used to calculate financial eligibility prior to the sanction

Note: Since child support is not a food stamp requirement, the needs of all eligible household members are included.

MEDICAL ASSISTANCE

If the caretaker relative does not cooperate with child support requirements without good cause and the TCA case is sanctioned (closed), the:

1. Caretaker relative is ineligible for MA
2. Children remain eligible until the date the TCA certification period would have ended had the sanction not been imposed

Note: If a TCA application is denied because the caretaker relative did not cooperate with child support requirements, the caretaker relative is ineligible for MA but the case manager must determine eligibility for each child in the assistance unit.

EXAMPLES

1. Sanction Procedure

October 5	Child support informs the case manager that mom missed an appointment with the State's Attorney
October 7	The case manager sends a letter of conciliation to mom and begins investigating the reason for non-compliance
October 20	The case manager leaves a message on mom's phone but receives no return call, so a NOAA is sent
December 1	The sanction goes into effect because it is the first day of the month following the 30-day conciliation period's end on November 6

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December 4 Mom calls and is willing to keep a new appointment

December 23 Full benefits are paid for December because mom provides verification that the new appointment scheduled for December 22 was kept

2. Lifting a Sanction Without Technical Compliance

Mrs. Danbury failed, without good cause, to comply with requirements to seek child support for her daughter. The TCA case was closed but the food stamp case remained open with a phantom income of \$328 (maximum benefit amount for a 2-person family). Subsequently, she reported receiving \$350 per month in child support.

- Since the subsequent child support exceeds the TCA amount she would have been receiving, the penalty period ends
- Food stamps are recalculated without the \$328 phantom income

ADDITIONAL INFORMATION

- Application — Family Violence
- Technical Eligibility — Child Support Cooperation
- Sanctions — Conciliation Process
- Food Stamp Manual
- Medical Assistance Manual